

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERNESTO SANTIAGO,	)	
	)	
Plaintiff.	)	Civil Action No. 04-335E
	)	
v.	)	JUDGE McLAUGHLIN
	)	MAGISTRATE JUDGE BAXTER
UNITED STATES OF AMERICA,	)	
	)	ELECTRONICALLY FILED
Defendant.	)	
	)	

**NOTICE TO COURT OF PLAINTIFF'S FAILURE  
TO PROPERLY SERVE DEFENDANT**

AND NOW, comes the Defendant, United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul E. Skirtich, Assistant United States Attorney for said District, and files the following Notice of Court:

1. *Pro se* Plaintiff has failed to serve Defendant with two pleadings, namely, Document No. 10 (Motion for Appointment of Counsel, filed on April 15, 2005) and Document No. 13 (Motion for Direction From the Court, filed on June 30, 2005). Plaintiff need not serve copies of these two (2) pleadings because the undersigned counsel has retrieved same.
2. Pursuant to Rule 5(a) of the Federal Rules of Civil Procedure, Plaintiff is required to serve Defendant with every pleading subsequent to the original Complaint, every paper relating to discovery, every written Motion, and every written notice. See Rule 5(a).

3. On September 2, 2005, the undersigned counsel sent a letter to Plaintiff advising him (1) of his failure to serve Motions at #10 and #13; (2) that the undersigned has retrieved copies of same; and, (3) to send copies of all other documents to be filed in the future to the undersigned counsel.

WHEREFORE, Defendant, United States of America, respectfully requests that this Notice of Plaintiff's Failure to Properly Serve Defendant be docketed at the above civil action number.

Respectfully submitted,

MARY BETH BUCHANAN  
UNITED STATES ATTORNEY

s/Paul E. Skirtich  
PAUL E. SKIRTICH  
Assistant United States Attorney  
U.S. Post Office and Courthouse  
700 Grant Street, Suite 400  
Pittsburgh, PA 15219  
412-894-7418  
PA ID No. 30440

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice to Court of Plaintiff's Failure to Properly Serve Defendant was electronically filed and/or served by first-class mail on this 2<sup>nd</sup> day of September, 2005, to the following:

Ernesto Santiago  
Plaintiff *Pro Se*  
Reg. No. 90304-038  
FCI McKean  
Post Office Box 8000  
Bradford, PA 16701

s/Paul E. Skirtich  
PAUL E. SKIRTICH  
Assistant U.S. Attorney